

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:	:	
MELISSA L PECK	:	CHAPTER 13
DAMON A PECK	:	
Debtor	:	
	:	
JACK N. ZAHAROPOULOS	:	
STANDING CHAPTER 13 TRUSTEE	:	
Movant	:	
	:	
vs.	:	CASE NO. 1:25-bk-00885-HWV
	:	
MELISSA L PECK	:	
DAMON A PECK	:	
Respondent	:	

TRUSTEE'S MOTION TO DISMISS CASE
IN ACCORDANCE WITH §§ 1307 AND 1326

AND NOW, on August 12, 2025, Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, through his attorney, Douglas R. Roeder, Esquire, and moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case for the following reasons:

1. On April 1, 2025, Debtor filed a Petition under Chapter 13 of the Bankruptcy Code. (ECF No. 1).
2. Debtor was therefore required to commence payments on or before May 1, 2025.
3. Debtor filed the Chapter 13 Plan on April 11, 2025, citing payments which were to have commenced in May 2025 in the amount of \$150.00 to be paid to the Trustee monthly.
4. Debtor filed a First Amended Chapter 13 Plan on July 8, 2025, citing payments which were to have commenced in May 2025 in the amount of \$150.00 to be paid to the Trustee monthly.

5. Debtor filed a Second Amended Chapter 13 Plan on July 9, 2025, citing payments which were to have commenced in May 2025 in the amount of \$150.00 to be paid to the Trustee monthly.

6. As of the date of this filing, Debtor has not yet commenced payments.

7. Pursuant to § 1326(a)(1), “unless the court orders otherwise, the debtor shall commence making payments no later than 30 days after the date of the filing of the plan or the order for relief, whichever is earlier, in the amount- (A) proposed by the plan to the trustee.”

8. Pursuant to § 1307(c)(1), the court may dismiss a case for unreasonable delay by the debtor that is prejudicial to creditors. The Debtor's failure to commence payments here is prejudicial to creditors.

9. Finally, pursuant to §1307(c)(4), the court may dismiss a case for failure to commence payments under §1326.

WHEREFORE, the Trustee respectfully requests that this Honorable Court dismiss the case in accordance with §§ 1307 and 1326 and grant any further relief that is equitable and just.

Respectfully submitted:

/s/Jack N. Zaharopoulos
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
(717) 566-6097

BY: /s/Douglas R. Roeder
Attorney for Trustee

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NOTICE

NOTICE IS HEREBY GIVEN that Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania filed a Motion to Dismiss on August 12, 2025.

If you object to the relief requested, you must file your objection/response on or before August 26, 2025, with the Clerk of Bankruptcy Court Sylvia H. Rambo United States Courthouse, Bankruptcy Courtroom 4B, 4th Floor, 1501 North 6th Street, Harrisburg, PA 17102 and serve a copy on Jack N. Zaharopoulos, Standing Chapter 13 Trustee, 8125 Adams Drive, Suite A, Hummelstown, PA 17036.

A hearing has been scheduled at:

Sylvia H. Rambo United States Courthouse
Bankruptcy Courtroom 4B, 4th Floor
1501 North 6th Street
Harrisburg, PA 17102

Date: September 10, 2025
Time: 9:35 AM

and will be held regardless of any objections or responses having been filed.

Respectfully submitted,

Date: August 12, 2025

/s/ Douglas R. Roeder, Esquire
ID: 80016
Jack N. Zaharopoulos
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
Email: info@pamd13trustee.com

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CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on August 12, 2025, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties from Hummelstown, PA, unless served electronically.

Served Electronically

E. HALEY ROHRBAUGH
CGA LAW FIRM, P.C.
135 NORTH GEORGE ST
YORK, PA 17401

UNITED STATES TRUSTEE
PO BOX 302
1501 NORTH 6TH STREET
HARRISBURG PA 17102

Served by First Class Mail

MELISSA L PECK
DAMON A PECK
4406 STELTZ ROAD
NEW FREEDOM, PA 17349

I certify under penalty of perjury that the foregoing is true and correct.

Date: August 12, 2025

/s/ Donna Schott
Office of the Standing
Chapter 13 Trustee
Jack N. Zaharopoulos
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone:(717)566-6097
Email: info@pamd13trustee.com

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ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above captioned bankruptcy be and hereby is dismissed. The Court retains jurisdiction to rule on any timely filed fee application